



Office of the Attorney General
State of Texas

January 17, 1997

DAN MORALES
ATTORNEY GENERAL

Ms. Susan Cory
General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 South IH-35
Austin, Texas 78704

OR97-0093

Dear Ms. Cory:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103041.

The Texas Workers' Compensation Commission (the "commission") received a request for the following information:

- (1) Copy of Legislative Recommendations to be submitted to the Oversight Council on Workers' Compensation;
- (2) Copy of Proposed Arbitration List;
- (3) minutes approved for Sept. 12, 1996;
- (4) Rulemaking Process slides - EIE Field Svcs - 10/14/19.

You state that the commission has already released the information responsive to items 1, 3 and 4. You claim, however, that the information requested in item 2 is excepted from required public disclosure by section 552.101 of the Government Code. You also explain that this item was listed on the commission's Public Meeting Agenda and was reviewed and discussed at the public meeting. We have considered the exception you claim and have reviewed the document at issue.

You claim that the commission must withhold the document responsive to request number 2, the proposed arbitrator list. You claim that the information is made confidential by law and therefore protected by section 552.101 of the Government Code. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information

protected by other statutes. Section 410.105 of the Labor Code provides that

(a) The commission shall establish regional lists of arbitrators who meet the qualifications prescribed under Sections 410.102(a) and (b). Each regional list shall be initially prepared in a random name order, and subsequent additions to a list shall be added chronologically.

* * * *

(c) The commission's lists are confidential and are not subject to disclosure under Chapter 552, Government Code.

You contend that the list at issue is maintained and was approved by the commission pursuant to section 410.105 of the Labor Code. As arbitrator lists created under section 410.105 are confidential by law, we conclude that the commission must withhold the requested list despite its approval at a public meeting.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 103041

Enclosures: Submitted documents

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(w/o enclosures)